



Q-2

June 27, 2007

Abdul S. Lodhi, Ph.D.  
Materials Security and Industrial Branch  
U. S. Nuclear Regulatory Commission  
475 Allendale road  
King of Prussia, PA 19406-1415

03014783

**Re: U. S. Silica Company, License No. 47-09375-07**

Dear Dr. Lodhi:

U. S. Silica Company (US Silica) maintains License No. 47-09375-07 (amendment 20) for possession and use of sealed radiation sources in level (density) gauges at a variety of locations in West Virginia, Missouri, Pennsylvania and New Jersey. At 5:00 p.m. on June 27, 2007, the plant at 700 Railroad Avenue in Newport, New Jersey was sold to Hanson Aggregates BMC, Inc. (Hanson). Included in the sale are the only two level gauges that were present at the site. These are a TN Technologies Model 5201 gauge containing 100 mCi of Cs-137 and a TN Technologies Model 5176 gauge containing 2,000 mCi of Cs-137.

Hanson also maintains a USNRC license (No.37-09708-01), but it is for possession/use of Ohmart gauges only. Therefore, US Silica cannot transfer possession of the Newport gauges to Hanson until such time as their license has amended, a process that we believe is underway. However, US Silica understands its responsibilities under the terms/conditions of the referenced license, and will maintain control over the gauges to ensure they are used in accordance with all applicable regulations and license conditions until such time as their transfer to Hanson can be effected. Attached is a letter from Hanson's corporate counsel confirming that in spite of the ownership change, the Authorized User currently listed on License No. 47-09375-07, Mr. C. Scott Eves, will continue supervising the use of the gauges. As soon as we receive a copy of the amended Hanson license, US Silica forward the necessary information for release of the Newport facility from the listing of authorized use locations shown in Provision 10 of License No. 47-09375-07.

As you were made aware during your recent telephone conversation with US Silica's health physics consultant, Carol D. Berger CHP of Integrated Environmental Management, Inc. US Silica's radiation safety office was not made aware of the sale of the Newport plant until the last minute. We regret that we were unable to notify the USNRC in advance of the sale as required, but we again want to assure you that we will remain responsible for the devices throughout the transfer process. In the meantime, if you have any questions or if I can provide you with

Abdul S. Lodhi, Ph.D.  
U. S. Silica Company, License No. 47-09375-07  
June 27, 2007

---

additional information, please do not hesitate to call me at (304) 258-2500. You can expect to receive our license amendment application soon.

Sincerely,

U.S. SILICA COMPANY



Jack M. Pryor, P.E.  
Corporate Radiation Safety Officer

/gsf/USNRC Millville gauges.doc

c: C. D. Berger, CHP - IEM  
C. Scott Eves (USS - Mauricetown)  
G. Fell (USS)  
J. Manion (USS)  
Environmental Dept. Files

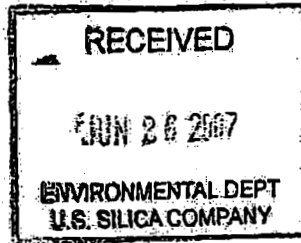
**ATTACHMENT**

304-258-0203

US Silica

10 06:50 a.m 06-26-2007

5/11



June 25, 2007



Hanson North America  
John A. Gillan  
Assistant General Counsel

300 E. John Carpenter Freeway, Suite 1645  
Irving, TX 75062  
Tel: 972 653 5672  
Fax: 972 653 6185  
john.gillan@hanson.biz

**VIA EMAIL AND REGULAR MAIL**

James Manion, Esq.  
General Counsel  
Better Minerals & Aggregates Company  
Route 522, P. O. Box 187  
Berkeley Springs, WV 25411

**Division Counsel**

Direct line: 972 300 2805  
Direct fax: 972 300 2522  
Email: John.Gillan@HansonAmerica.com  
www.hansonpic.biz

Re: Nuclear Density Gauges

Dear Jim:

Pursuant to our discussion of this date, it appears that we will not be able to amend our existing NRC license prior to the closing of our Millville Transaction. As such, please let this letter serve as our agreement that US Silica should maintain operational control of the nuclear density gauges at the Millville property until such time as we can either amend our existing or obtain a new license.

If you would like any further information on any of the above, please let me know.

Sincerely,

*John A. Gillan*  
John A. Gillan  
Division Counsel

cc: Mark Kendrick  
Rich Hermany

This is to acknowledge the receipt of your letter/application dated

6/21/2007, and to inform you that the initial processing which includes an administrative review has been performed.

AMEND. 47-09375-07  
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

---

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 140730.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.